

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DAVID GOLDRICH,

Plaintiff,

v.

CITY OF JERSEY CITY, et al.,

Defendants.

Case No. 15-cv-885 (SDW) (LDW)

ORDER

September 19, 2018

WIGENTON, District Judge.

Before this Court is Magistrate Judge Leda Dunn Wettre’s (“Judge Wettre”) Report and Recommendation (“R&R”), dated July 25, 2018, which recommends that Defendants the City of Jersey City and James Shea’s (collectively, “Defendants”) Motion for Sanctions be granted in part and denied in part. (ECF No. 175.) This Court has reviewed the reasons set forth by Judge Wettre in the R&R, the parties’ objections and responses, and the other documents in this matter. For the reasons set forth in this Court’s Letter Opinion dated September 19, 2018,

IT IS on this 19th day of September, 2018,

ORDERED that Judge Wettre’s recommendation that this Court order Plaintiff to pay Defendants the expense of the forensic computer expert and reasonable attorneys’ fees for Defendants’ Motion for Sanctions is **ADOPTED**; and it is further

ORDERED that Judge Wettre’s recommendation that this Court find Plaintiff did not commit a fraud upon the Court is **ADOPTED**; and it is further

ORDERED that Judge Wettre's recommendation that this Court inform the jury of Plaintiff's spoliation of evidence and give an appropriate jury instruction is **MODIFIED** such that the curative jury instructions will be provided pursuant to Federal Rule of Civil Procedure ("Rule") 37(e)(2) as opposed to Rule 37(e)(1).

SO ORDERED.

s/ Susan D. Wigenton
SUSAN D. WIGENTON
UNITED STATES DISTRICT JUDGE

Orig: Clerk
cc: Hon. Leda D. Wettre U.S.M.J.
Parties